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Scene 7, Inc. Long Term Disability Plan  
and  
Prudential Insurance Company of America

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Dawn Rutherford,

Plaintiff,

vs.

Scene 7, Inc. Long Term Disability Plan,  
Prudential Insurance Company of America,

Defendants.

) Case No. C 07-6426 WHA

) **STIPULATION AND JOINT REQUEST**  
) **FOR REFERRAL TO MEDIATION AND**  
) **VACATING OF CASE MANAGEMENT**  
) **CONFERENCE**

) **Case Management**

) **Conference:** August 7, 2008

) **Time:** 11:00 a.m.

) **Courtroom:** 9, 19<sup>th</sup> Floor

Hon. William H. Alsup

WHEREAS, in its Case Management Order in Denial-of-Benefits Action Under ERISA (April 10, 2008) (Doc. no. 10), the court scheduled a further case management conference for August 7, 2008; and

WHEREAS, the court subsequently issued its Second Case Management Order (July 21, 2008) (Doc. no. 25) addressing various matters including discovery cutoff, pretrial

1 conference date and trial date; and

2 WHEREAS, the only issue known to the parties which has not been addressed by  
3 previous case management orders is alternative dispute resolution; and

4 WHEREAS, the parties wish to explore the possibilities of settlement through the  
5 auspices of a qualified mediator;

6 NOW THEREFORE, THE PARTIES HEREBY STIPULATE and JOINTLY REQUEST  
7 OF THE COURT THAT:

- 8 1. The case management conference scheduled for August 7, 2008 be vacated;  
9 2. The parties be excused from filing a joint case management conference  
10 statement with respect thereto; and  
11 3. This matter be referred for court-sponsored mediation through the court's  
12 Alternative Dispute Resolution office, and that assignment to a mediator be  
13 expedited so that mediation may proceed in a timely manner and before the  
14 devotion of significant party and court resources to trial preparation becomes  
15 unavoidable.

16  
17 Dated: July 29, 2008

18  
19 \_\_\_\_\_/s/  
20 Richard Johnston  
21 Attorney for Plaintiff  
22 Dawn Rutherford

23 Gordon & Rees LLP

24  
25 \_\_\_\_\_/s/  
26 By: Tad A. Devlin  
27 Attorneys for Defendants  
28 Scene 7, Inc. Long Term Disability Plan  
and  
Prudential Insurance Company of America